



# COMMUNITY ENGAGEMENT & PARTNERSHIPS



## TENANT PARTICIPATION FUND Resident Council Guidebook 2017



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# I. INTRODUCTION



## A. ABOUT NYCHA

NYCHA's mission is to increase opportunities for low- and moderate-income New Yorkers by providing safe, affordable housing and facilitating access to social and community services. More than 400,000 New Yorkers reside in NYCHA's 328 public housing developments across the City's five boroughs. Another 235,000 receive subsidized rental assistance in private homes through the NYCHA-administered Section 8 Leased Housing Program.

## B. ABOUT NEXT GENERATION NYCHA

Pursuant to NextGeneration ("NextGen") NYCHA—the Authority's 10-year plan, NYCHA has developed several strategies to continue to create safe, clean, and connected communities for our residents and to preserve New York City's public housing assets for the next generation. Since NextGen NYCHA launched in May 2015, NYCHA has been rolling out targeted strategies with the goal of improving resident quality of life through increased transparency, infrastructure improvements, and stakeholder engagement. NYCHA is taking meaningful steps to change the way it does business to become a more modern, effective and efficient landlord and strong partner. To learn more about NextGen NYCHA visit <http://www1.nyc.gov/site/nycha/about/nextgen-nycha.page>.

## C. ABOUT CEP

The mission of CEP (NYCHA's Department of Community Engagement and Partnerships) is to engage and connect residents to critical programs and services. CEP manages strategic partnerships, key programs and initiatives in the areas of economic opportunity, youth, health, senior and social services.

CEP's Resident Engagement Department proactively engages residents through outreach, education and information sharing with a special focus on youth, seniors and resident associations, in addition to the broader NYCHA community. Resident Engagement provides technical assistance and support to NYCHA Resident Councils (RCs) and administers NYCHA's Tenant Participation Activity program.

## D. ABOUT TENANT PARTICIPATION

### 1. Summary

NYCHA is committed to ensuring residents live in safe, clean, and connected communities. Resident participation is a key component of building a positive living environment.



HUD promotes resident participation by providing funding to NYCHA to support Tenant Participation Activities. The funds can be used at the citywide, district or local levels, in collaboration with residents and NYCHA, to support activities that range from skills training programs to procurement of office supplies to support Resident Council functions.

The regulations governing the administration of these funds are set forth in the Code of Federal Regulations, Title 24, Part 964 Subparts A, B and C (portions of which are set forth herein). In addition, HUD issued Notice PIH 2013-21 (HA) on August 23, 2013, which is included in the appendix of this guidebook.

**This guidebook is designed to provide Resident Councils with an overview of the Authority's TP Funds administration process.**

### 2. How Tenant Participation Funding is Determined

TP Funds are allocated by HUD to NYCHA based on a formula of \$25 per unit of occupied public housing per year. The actual per unit amount provided by HUD to NYCHA may vary *subject to the availability of appropriations*. If HUD provides the full appropriation, then NYCHA will receive \$25 per unit. If HUD provides 90 percent of the appropriation, for example, then NYCHA will receive \$22.50 per unit.

NYCHA's share of TP Funds is 40 percent of the funds allocated by HUD (\$10 per unit at full subsidy), which NYCHA uses for costs incurred in administering Tenant Participation Activities and TP Funds.

Resident Councils receive 60 percent of the funds allocated by HUD (\$15 per unit at the full subsidy level), based on the HUD per unit formula described above, which the Resident Councils may use to fund eligible Tenant Participation Activities following the procedures set forth in this Guidebook.

### **3. Roles of the Resident Council and Housing Authority**

To ensure a successful Tenant Participation Activity program, it is important that NYCHA and the RCs understand their specific roles and responsibilities, as outlined by HUD.

In accordance with 24 C.F.R. section 964.18, the role of NYCHA is to, among other things:

- ✓ officially recognize a duly elected Resident Council as the sole representative of the residents it purports to represent, and support its Tenant Participation Activities;
- ✓ when requested by residents, provide appropriate guidance to residents to assist them in establishing and maintaining a Resident Council;
- ✓ provide the residents or any Resident Council with current information concerning NYCHA's policies on Tenant Participation;
- ✓ if requested, and to the extent space is available, provide a duly recognized Resident Council with office space and meeting facilities, free of charge, preferably within the development it represents;
- ✓ ensure open communication and frequent meetings between NYCHA and the Resident Councils;
- ✓ put in writing in the form of a Memorandum of Understanding the elements of the partnership agreement between NYCHA and each RC;
- ✓ offer training resources to the RCs;
- ✓ monitor elections;
- ✓ provide TP Funds to duly elected RCs as required by § 964.150(a)(2);
- ✓ collaborate with RCs on how funds will be distributed in accordance with §964.150(3);
- ✓ administer TP Funds reasonably and efficiently, including establishing policies on how a RC is to make a request for TP Funds and ensuring that funds are being used responsibly;
- ✓ enter into a written agreement with a RC on the use of TP Funds as described in §964.150(b)(3);
- ✓ ensure the RC's requested activity is consistent with the requirements under §964, subparts B and C;
- ✓ maintain accurate records of TP Funds and expenditures and provide this information to RCs; and
- ✓ advise RCs on the supporting documentation that may be necessary to verify and audit expenses.

In accordance with 24 C.F.R. section 964.100, the role of the RC is to improve the quality of life and resident satisfaction and to participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing.

As explained in greater detail in this Guidebook, the RC's responsibilities regarding Tenant Participation Activities and TP Funds include:

- ✓ entering into a written agreement with NYCHA;
- ✓ submitting to NYCHA for approval an Annual Spending Plan to budget the use of TP Funds;
- ✓ submitting to NYCHA for approval Proposals for each proposed TPA;
- ✓ ensuring TP Funds are spent in compliance with all applicable rules and regulations (e.g. *eligibility, procurement rules, etc.*); and
- ✓ keeping proper financial records for TP Funds.

#### 4. Eligibility Requirements

##### **THE RC MUST BE OFFICIALLY RECOGNIZED BY NYCHA.**

**All Resident Councils (local development, District Council of Presidents, and Citywide Council of Presidents) must be officially recognized by NYCHA in order to be eligible to receive TP Funds.** The RC must ensure NYCHA has on file the most current version of the RC's bylaws.

**NOTE:** If residents of a Development have not yet established a RC, NYCHA can fund allowable activities for residents using TP Funds to improve resident capacity in establishing and operating a Resident Council.

##### **THE RC MUST MAINTAIN A DULY-ELECTED GOVERNING BOARD WITH AT LEAST FIVE MEMBERS.**

In order to receive TP Funds, the RC must have a duly-elected governing board with at least five members. The elections must be fair and frequent, and conducted in accordance with applicable federal regulations and the RCs own bylaws.

**As set forth in 24 C.F.R section 964.130, it is NYCHA's responsibility to monitor elections to**

*Section 964.130(b). If a resident council fails to satisfy HUD minimum standards for fair and frequent elections, or fails to follow its own election procedures as adopted, HUD shall require the HA to withdraw recognition of the resident council and to withhold resident services funds as well as funds provided in conjunction with services rendered for resident participation in public housing.*

**ensure Resident Councils meet HUD’s minimum standards for fair and frequent elections, and follow their own election procedures.**

If a Board vacancy occurs resulting in less than the minimum of five members, funds may be suspended until the vacancy is filled in accordance with the federal regulations and RC bylaws. If a RC fails to conduct elections at least every three years, as required by 24 C.F.R. Part 964, or within a shorter time frame required by its bylaws, NYCHA will withdraw recognition of the Resident Council in accordance with 24 C.F.R. section 964.130(b) and withhold TP Funds until such time when an election is duly held and five members have been installed. This also applies to the failure to timely fill any vacancy in office in accordance with the RC’s bylaws.

**THE RC MUST COMPLETE ALL REQUIRED TRAINING**

In order to be eligible to receive TP Funds, an RC must attend all trainings required by NYCHA. NYCHA will endeavor to provide at least one mandatory training each year, in addition to ongoing technical assistance, to Resident Councils to train RCs on the Annual Spending Plan and Proposal submission process. Each summer, when it notifies RCs of their funding availability for the next Fiscal Year, NYCHA will provide a date for the mandatory annual training. RCs are required to attend mandatory training sessions before TP Funds will be available for use.

NYCHA encourages RCs to independently seek technical assistance, as deemed necessary, in the areas of administration, budgeting, and financial reporting in order to ensure RCs have adequate training and resources to comply with HUD regulations.

Additionally, all officers of RCs are required to watch HUD’s “Using Tenant Participation Funds in Public Housing” presentation (published on February 28, 2014). This video is a presentation on using TP Funds for residents of public housing and public housing agencies. Presenters discuss PIH Notice 2013-21, allowable and unallowable uses of TP Funds, the roles of residents and public housing authorities, criteria for evaluating TP fund use, and related examples. Available at:

[https://www.youtube.com/watch?v=hKpl\\_yAFhW0](https://www.youtube.com/watch?v=hKpl_yAFhW0).

## **PARTICIPANTS IN TENANT PARTICIPATION ACTIVITIES MUST BE AUTHORIZED NYCHA RESIDENTS**

TP Funds may be used by RCs only for eligible activities to benefit authorized residents of NYCHA public housing developments and maximize resident participation. Only residents who are listed on the official Family Composition for a public housing unit may participate in Tenant Participation Activities funded by TP Funds.

In order to justify expenditures to HUD, RCs and NYCHA must track resident participation in Tenant Participation Activities. RCs are required to use sign-in and out sheets at every TP-funded event, program or activity in order to track resident participation and service delivery. Attendance sheets should include the name and address (including apartment number) of each participant.

## **E. KEY TERMS AND ACRONYMS**

The following are **defined terms** and **acronyms** used throughout this Guidebook.

**ANNUAL SPENDING PLAN (“SPENDING PLAN”):** The RC’s plan for spending its TP Funds, completed on a NYCHA-issued form and submitted by the RC to NYCHA for approval each Fiscal Year.

**CEP:** NYCHA’s Department of Community Engagement and Partnerships.

**COMMERCIAL CARD:** NYCHA-issued credit card that may be used by RCs in Group A for approved TP-Funded Micro Purchases.

**FISCAL YEAR:** January 1 through December 31.

**HUD:** The United States Department for Housing and Urban Development.

**MICRO PURCHASES:** A Procurement valued at \$5,000 or less. The procurement process must comply with “Micro Purchase Procurement” requirements explained in this Guidebook.

**NYCHA:** New York City Housing Authority.

**NYCHA PILOT:** As NYCHA reforms its Tenant Participation Funds administration process, NYCHA has initiated a pilot phase for Resident Councils to move towards a new Commercial Card process for approved TP-Funded Micro Purchases. Beginning January 1, 2017, NYCHA will initiate this transition with the first fifty Resident Councils or “**Group A**” opting into the new process. All remaining Resident Councils

or “**Group B**” will continue using NYCHA’s existing process, with service enhancements. All Resident Councils will be on a schedule to move to the Commercial Card process by the end of 2017.

For purposes utilizing this guidebook during the pilot period of January 1, 2017 – December 31, 2017, Resident Councils will be referenced as **Group A** or **Group B** where distinctions apply.

**PROCUREMENT:** The action of purchasing something. As used by NYCHA, the term references the use of public funds (such as TP Funds) to purchase goods or services in furtherance of a public purpose. Procurements made with public funds are subject to various rules and regulations, which are outlined in this Guidebook.

**PROPOSAL:** See definition for Tenant Participation Activity Proposal, below.

**RC:** Resident Council (see definition below).

**RED:** NYCHA’s Resident Engagement Department.

**REQUEST FOR PROPOSALS:** A procurement document that solicits proposals for goods or services from qualified firms through a publically-advertised competitive bidding process.

**RESIDENT COUNCIL (ALSO “RC” OR RESIDENT ASSOCIATION):** A Resident Council is a resident membership organization that is duly recognized by NYCHA, pursuant to 24 C.F.R. Part 964, as the representative of the authorized residents of a Development. The role of the Resident Council is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing. Among other requirements, the Resident Council must have a democratically elected governing board that is elected by the voting membership. At a minimum, the governing board should consist of five elected board members. NYCHA uses the terms Resident Council, Resident Association, and Tenant Association interchangeably.

**RESIDENT ENGAGEMENT COORDINATOR (“RE COORDINATOR”):** A staff member within NYCHA’s Resident Engagement Department (“**RED**”) who is responsible for engaging and providing support and technical assistance to RCs and other NYCHA resident constituency groups. NYCHA has multiple RE Coordinators, who are organized by CEP geographic zone as well as centrally within RED’s TPA unit. To learn more about CEP zones and RED, please reference the CEP fact sheet included in appendix.

**RFP:** Request for Proposals (see definition above).

**SMALL PURCHASES:** A Procurement valued at more than \$5,000, but not in excess of \$150,000. The solicitation process must comply with the “Small Purchase Procurement” requirements explained in this Guidebook.

**SPENDING PLAN:** See entry for “Annual Spending Plan,” above.

**TENANT PARTICIPATION ACTIVITY:** An activity planned by a RC that is eligible to be paid for with TP Funds, in accordance with 24 C.F.R. Part 964, HUD PIH Notice 2013-21, and NYCHA policies and procedures.

**TENANT PARTICIPATION ACTIVITY PROPOSAL (“PROPOSAL”):** A proposal by an RC to request approval for a TPA included in the RC’s Spending Plan. The Proposal must be submitted in accordance with the procedures set forth in this Guidebook on a NYCHA-issued form (Form 088.171s). See the appendix for the Proposal form, which will be made available to RCs in pdf format.

**TENANT PARTICIPATION FUNDS (“TP FUNDS”):** Funds provided by HUD to support Tenant Participation Activities, Pursuant to 24 C.F.R. section 964.150.

**TPA:** Tenant Participation Activity (see definition above).

## II. TENANT PARTICIPATION ACTIVITIES

### A. INTRODUCTION

RCs and their leadership play an active role in determining which Tenant Participation Activities the RC will plan using TP Funds.

Each RC has the flexibility to decide which Tenant Participation Activities it will pursue, so long as the proposed TPAs:

1. meet the intent of HUD's regulations;
2. comply with NYCHA's TP Funding guidelines and Procurement policies; and
3. are conducted in accordance with the RC's written agreement with NYCHA.

### B. ELIGIBLE ACTIVITIES

NYCHA uses HUD PIH Notice 2013-21 to determine whether a proposed activity is eligible as a Tenant Participation Activity that can be paid for with TP Funds. Examples of activities that would be allowable under HUD's updated policy, and examples of unallowable activities, are listed in Section 6 of the PIH Notice 2013-21.

The following page provides a list of TP Activities that are eligible and ineligible with examples. **Please note these lists are not exhaustive.**

### C. COMMON TENANT PARTICIPATION ACTIVITIES

#### 1. Stipends

Up to five (5) officers of each RC may receive monthly stipends of up to \$200, based on a rate schedule developed by the RCs and NYCHA.

HUD regulation 24 C.F.R. § 964.150(b) states:

- (1) *HUD encourages HAs to provide stipends to resident council officers who serve as volunteers in their public housing developments. The amount of the stipend, up to \$200 per month per officer, shall be decided locally by the resident council and the HA. Subject to appropriations, the stipends will be funded from the resident council's portion of the operating subsidy funding for resident council expenses (\$15.00 per unit per year).*

## ELIGIBLE ACTIVITIES

- Consultation and outreach efforts that support active interaction between the PHA and residents;
- Activities that inform residents on issues and/or operations that affect resident households and their living environment;
- Annual membership events or site-based community activities that enhance resident participation;
- Resident council training, leadership development, household training, orientation, and training for new and existing residents on resident responsibilities;
- Resident council elections and organizing;
- Reasonable refreshment and light snack costs that are directly related to resident meetings; and
- Stipends to resident council officers who serve as volunteers in their public housing developments.
- Self-sufficiency and capacity building activities:
- Social support needs (such as self-sufficiency and youth initiatives) including: coordination of support services; training of residents for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, etc.;
- Resident management training for residents in skills directly related to the operation, management, maintenance, and financial systems of a project as potential employees of an existing or proposed resident management corporation; and
- Training related to the development of resident-owned businesses and technical assistance for job training and placement in developments.

## INELIGIBLE ACTIVITIES

- Purchase of alcoholic beverages;
- Entertainment, where the dedicated purpose of the event falls under the following categories:
  - Amusement (trips to theme parks, county fairs, etc.);
  - Diversions (theatre, movies, sports events, etc.);
  - Social activities (parties, bowling nights, etc.);
- Any directly associated costs for the events in the categories above (tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities); and
- Organized fund raising costs, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions, regardless of the purpose for which the funds will be used.
- Food beyond reasonable refreshment and light snack costs for resident meetings;
- Purchase of furniture and equipment for general use of NYCHA community facilities and senior centers or for general use of any other entity;
- Giveaways such as gifts or gift cards to encourage participation in a program or as a reward for participation, with the exception of promotional items of minimal value, imprinted with the Resident Council logo, or modest plaques or certificates;
- Purchase of equipment, supplies, or services for a resident-owned business; and
- Day-to-day supplies such as coffee, tea, sugar, salt, or other food and drink items for the general use of the Resident Association.

(2) *Pursuant to § 913.106, stipends are not to be construed as salaries and should not be included as income for calculation of rents, and are not subject to conflict of interest requirements.*

If an RC wishes to pay monthly stipends to its officers, the stipends must be included in the RC's Spending Plan, and the RC must submit a Proposal to NYCHA for review and approval. In order for NYCHA to process stipend payments, each eligible officer must submit a completed IRS W-9 form to NYCHA. In addition to the Proposal and the W-9s, the RC must submit supporting documentation for each officer, demonstrating that the officer was duly elected and has been fulfilling his/her duties.

**Please Note:** Although stipend payments are NOT included by NYCHA as income for rent calculation, per the HUD regulation cited above, stipend payments are considered income for tax purposes. NYCHA must file Internal Revenue Service Form 1099-Miscellaneous Income for any individual whose total stipend payment in a calendar year equals or exceeds \$600. NYCHA will inform new stipend recipients that NYCHA is required to file "Form 1099-Miscellaneous Income" each calendar year for any individual whose total payments are equal to or exceed \$600.

## 2. Consulting Services

Consultants can provide expert advice and professional services across a variety of areas ranging from finance to leadership development and organizational management. For example, if an RC is interested in becoming a tax-exempt not-for-profit corporation, it may wish to procure a consultant to help it form the corporation and complete the required forms.

## 3. Family Day

Many RCs host an annual Family Day at their developments. Family Day may be eligible for TP Funds if the event is structured to offer community empowerment activities, social services resources, information on community based organizations, health services, and potential employment and training opportunities.

Each year NYCHA provides Family Day orientations for RCs to review the rules and regulations of Family Day, including the allowable uses of TP Funds. All Resident Councils are encouraged to attend the orientation to determine their eligibility to hold a Family Day. NYCHA may impose restrictions on some RCs. For example, if an RC experienced safety and

security issues at a past Family Day, NYCHA, in consultation with the NYPD, may restrict or disapprove a Family Day request.

A Resident Council wishing to use TP Funds for Family Day, as per the limits established by NYCHA, must include the event in its Spending Plan and submit a Proposal for the activity.

The Proposal will not be approved if a Resident Council has outstanding balances for previous Family Days or owes other funds to NYCHA. **NYCHA will not approve Proposals for Family Day if the Resident Council has any outstanding Family Day receipt balances.** NYCHA strongly encourages Resident Councils to supplement TP funding with other sources of funding, such as the City Council.

#### **EXAMPLES OF ALLOWABLE FAMILY DAY EXPENDITURES:**

- Reasonable refreshment costs;
- Sound and street closure permits;
- Information tables and consultants to provide the following types of programs/initiatives and/or activities:
  - Health care (general, for seniors, obesity, etc.);
  - Job readiness;
  - College fairs;
  - Anti-violence, anti-gang programs;
  - Back to school and/or stay in school programs;
  - Parenting skills;
  - Youth or Senior Programs;
  - Resident surveys to collect resident input;
  - Activities to increase RC membership;
  - Resident Green Committee;
  - Garden and Greening; or
  - Voter Registration; and
- Equipment/Supplies to support eligible initiatives, such as:
  - School supplies (i.e., low cost items such as pens and notebooks);
  - T-shirts;
  - Banners; or
  - Small plaques to honor volunteers.

#### 4. Conferences, Retreats, Travel and Lodging

NYCHA encourages RCs to use local training resources to allow for broader resident participation. However, some out-of-town conferences, seminars, or retreats may provide important information to support and advance RC leadership development and capacity-building. In deciding whether to attend an out-of-town event, the Resident Council must balance the cost of providing this training at an offsite location vs. the benefits, given a significant portion of costs for out-of-town events are for hotel, meals, and travel.

In deciding which residents will attend an out-of-town conference or retreat, RCs must take steps to foster broad participation. The RC should establish a fair selection process, which gives members who have not attended a previous conference priority over those who have.

Residents selected to attend bear substantial responsibility in registering for such activities. Failure to participate or last minute cancellations can be costly. The RC must carefully document any resident's failure to attend or participate in the planned activities. Participating residents also bear responsibility for sharing the information they learn with the RC when they return. Follow-up activities, such as reports to residents and dissemination of materials, are critical to ensuring such expenditures have lasting impact. In its Proposal for the TPA, the RC must include a plan for follow-up activities.

TP Funds may only be used to fund travel for authorized residents of the RC's development. Resident Councils cannot fund travel for residents from other developments or for consultants or volunteers providing services. Similarly, a DCOP can only fund travel for authorized residents from developments within that DCOP's district. HUD encourages the use of local training resources. **All travelers must be 18 years or older.** RCs may only submit Proposals for leadership retreats for teens that are in connection with an established youth leadership program (e.g. a NYCHA-recognized youth council). The Proposal must specifically indicate the ages of the participants, and the RC may be subject to additional requirements and approvals.

## RULES FOR TRAVEL EXPENSES

1. **IN GENERAL.** Only certain travel expenses are reimbursable with TP Funds. In the absence of a specific travel guidelines or requirements in this document, NYCHA will be guided by its standard procedure on Allowances for Travel and Related Expenses.
2. **HOTELS.** NYCHA will use the hotel per diem rates at the U.S. General Service Administration (GSA) web site: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) to evaluate the reasonable costs of room and board. If the conference/event ends before noon, and the traveler prefers to stay an extra night, TP Funds cannot be used, and the individual must pay for the extra night. Likewise, if the first session of the meeting starts after 12:00 p.m. and there is ample transit available that morning, then TP Funds cannot be used to pay the hotel costs for the prior evening.
3. **AIRFARE.** When traveling via airline carrier, using a travel agent or booking on your own, RAs must use the lowest cost service available. RAs must purchase the lowest fare, which usually will be within the coach class section. For reference purposes only, coach-class may also be referred to by airlines as “tourist class,” “economy class,” or as “single class” when the airline offers only one class of accommodations to all travelers. The RA must purchase airfare far enough in advance of the travel date to obtain lower fares. If the least expensive class of travel is not appropriate because special accommodations are needed for disability or other special needs, RAs must provide a written statement by the traveler’s healthcare provider stating that special accommodation is necessary. Before booking airfare, the RA must be certain of its itinerary and eligibility to travel. If an airfare reservation needs to canceled or changed, NYCHA may, within its sole discretion, require the RA to refund NYCHA the cost of the reservation, and/or pay for any change or cancellation fees. Such refunds and/or fees must be paid by the RA from funds other than those provided by NYCHA or HUD.
4. **MEALS.** Reimbursement for meals is only permitted for out-of-town travel. Unless food is provided at the conference, travelers are allowed a per diem and meal receipts are not required to be submitted. The maximum daily meal reimbursement, which includes taxes and tips, is in accordance with the rates posted at the U.S. General Service Administration (GSA) web site: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). Federal meal allowances for destinations within the continental United States vary according to the travel destination. During travel days, participants are entitled to only 75% of the per diem reimbursement rate.
5. **PUBLIC TRANSPORTATION AND TAXIS.** Travelers may be reimbursed for the cost of public transportation or the reasonable cost of taxis to and from airports and

railroad stations, except in those cases where NYCHA has made arrangements for ground transportation or transportation is otherwise provided. Gratuities for taxis are reimbursed up to 15% of the total amount charged and must be indicated on the receipt. The cost of taxis to and from restaurants and non-business events is not reimbursable. If NYCHA has chartered a bus and the pick-up location is within the traveler's District, the traveler is responsible for getting to and from the pick-up location. This cost is not reimbursable.

6. **MISCELLANEOUS EXPENDITURES.** Miscellaneous expenditures such as airline baggage fees are also reimbursable and must include proof of paid fees.
7. **EXCEPTIONS.** The per diem does not apply if a retreat or conference provides all meals and transportation is by chartered bus, such as in conferences or retreats organized by Resident Councils. If the attendee is receiving an honorarium, per-diem, or stipend that covers travel related expenses (transportation, meals and lodging), then these travel related expenses cannot be submitted for payment or reimbursement out of TP Funds. If an attendee seeks payment or reimbursement from TP Funds for the portion of his or her travel related expenses not covered by the honorarium, per-diem, or stipend, then any such request must be accompanied by a copy of any correspondence or documents from the sponsoring organization of the event (or the entity providing the honorarium, per-diem, or stipend) indicating the amount of the travel related expenses so covered.
8. **TRAVEL REIMBURSEMENT REQUEST.** Each traveler requesting reimbursement for travel related expenses including the per diem for meals mentioned above, must submit a signed original of the Travel Reimbursement Form (see appendix) within thirty (30) days following completion of travel. **Forms submitted after 30 days will be rejected.** The Travel Reimbursement Form must list per diem costs (no receipts required); original receipts must be attached for any reimbursement requested for other eligible travel related costs. (Note: The traveler's social security number and mailing address must be written on the form or otherwise provided to the RE Coordinator in order for the payment to be processed.)

**PROPOSALS FOR OUT-OF-TOWN CONFERENCES, RETREATS, OR TRAININGS MUST INCLUDE:**

- ✓ Justification for travel, which addresses the following criteria from the HUD PIH Notice 2013-21 (HA):
  - Will residents have equal or broad access to the resource being provided? Will this expense benefit an individual or is it being made available to a larger group?
  - Is the proposed TP activity to take place locally? If not, is there a compelling reason for the activity to take place outside of the PHA's jurisdiction?
  - Are the needs of the community, such as those documented in the PHA Plan, being met by the proposed TP activity?
- ✓ Conference information including a schedule and descriptions of events;
- ✓ Explanation of how residents were selected to participate;
- ✓ Plan for follow-up activities to share information with the RC membership upon returning from the event;
- ✓ List of persons traveling, including first and last names, addresses, birth dates, and Resident Council board titles, if applicable;
- ✓ Rooming list indicating which residents, if any, will share rooms;
- ✓ Hotel (name, address, phone number) where travelers wish to stay, cost per room, and number of rooms required; and
- ✓ Desired mode of transportation with dates, times, and locations of departure and return to New York, and price quote for chartered bus or airfare.
- ✓ If the event is planned by a consultant procured by the RC, the Proposal also must include the independent cost estimate, scope of services, consultant's cost proposal, and documentation supporting the RC's solicitation of the consultant.
- ✓ The RC must also provide evidence of all required insurance.

# III. SPENDING TP FUNDS



## A. OVERVIEW

Before undertaking any TPA, an RC must first obtain approval from NYCHA. The TPA process includes five steps, which are explained in greater detail below. The steps include:

1. Preparing an Annual Spending Plan;
2. Submitting Proposals;
3. Procuring Goods and Services;
4. Paying for Goods and Services; and then
5. Reconciling expenses.

RCs may contact their RE Coordinators for clarification and technical assistance at any point in the TP process. For example, RE Coordinators can provide clarification or technical assistance with preparing Spending Plans and Proposals prior to their submission for approval.

The Resident Council must ensure that TP Fund expenditures will not contravene provisions of law and will promote serviceability, efficiency, economy and stability in the operation of the local development. Failure of a RC to follow the required steps may result in withholding of TP Funds or withdrawal of recognition of the RC.

## B. STEP-BY-STEP

### Step 1: Preparing Annual Spending Plan

#### IN GENERAL

Resident Councils are required to submit an Annual Spending Plan each Fiscal Year (January 1 – December 31). The purpose of the Spending Plan is to proactively plan and budget allocated resources for eligible activities.

Beginning the summer of 2017, NYCHA will send to Resident Councils, by July 31, notice of their annual allocations for the upcoming Fiscal Year. Resident Councils will be required to submit their Spending Plans for the upcoming Fiscal Year to NYCHA by **October 31** annually.

RCs must complete NYCHA's **Tenant Participation Fund Spending Plan** form, which documents planned TP funded activities and amount by spending categories

such as stipends, cable, supplies, equipment, furniture, etc. The Spending Plan must account for all of the RC's anticipated expenses.

### **FUNDING THE DISTRICT COUNCILS**

Within the Spending Plan, Residents Councils may elect to fund their District Councils. If a RC elects to fund its District Council, a standard rate of 20 percent of the RC's annual TP budget allocation will be diverted from the RC's allocation to fund the District Council. The nine established borough districts are: (1) Bronx South, (2) Bronx North, (3) Brooklyn East, (4) Brooklyn West, (5) Brooklyn South, (6) Manhattan North, (7) Manhattan South, (8) Queens and (9) Staten Island.

NYCHA will send to the District Councils, by November 30 annually, notice of their available funds for the upcoming Fiscal Year. District Councils shall adopt annual budgets utilizing the Annual Spending Plan form, pursuant to their respective bylaws.

### **CENTRALIZED SERVICE CONTRACTS**

For certain services commonly needed by RCs, such as internet and cable services, NYCHA will obtain centralized contracts for RCs to use. Along with the annual allocation notices, NYCHA will provide the RCs with information about the available centralized services, including their cost. The RC must include the cost of these services in its Spending Plan. If a RC does not wish to use the centralized contract, and wishes to procure its own contract, the RC will need to provide, among other things, documentation to NYCHA showing the justification for using a different service provider, such as cost savings to the RC.

### **AGREEMENT RENEWAL**

Along with its Annual Spending Plan, the RC must submit to NYCHA a signed form, renewing its Agreement with NYCHA. NYCHA will provide the renewal form to the RC when it provides the RC with notice of its annual allocation.

## Step 2: Submitting Proposals

### UNDERSTANDING THE PROPOSAL SUBMISSION PROCESS

Before spending any TP Funds, the RC must submit a Proposal to NYCHA for approval. Proposals for TP Funds can be developed and submitted by:

- NYCHA-recognized individual local development Resident Councils;
- NYCHA-recognized District Councils of Presidents (DCOP), in consultation with the Resident Councils they represent; and
- NYCHA-recognized Citywide Council of Presidents (CCOP), in consultation with the Resident Councils it represents.

After the Spending Plan is approved by NYCHA, the RC will submit Proposals for each activity listed in the Spending Plan using the Tenant Participation Activity Proposal forms provided by NYCHA via e-mail. The Proposals will detail more specifically how the TP Funds will be spent. All requests to spend TP Funds must be submitted using the Proposal form. Failure to accurately or fully complete the entire Proposal package may result in the disapproval of a Proposal by NYCHA.

### CONTENT OF PROPOSALS AND REQUIRED ATTACHMENTS

The Proposal form provided by NYCHA will guide RCs on what information must be included in the Proposal. Generally, the Proposal must include the following details:

- A description of the activity:
  - ✓ Describe in detail the activities to be funded,
  - ✓ Explain TP eligibility according to the categories identified above,
  - ✓ Identify the target population that will benefit from the activity,
  - ✓ Identify the location of the activity,
  - ✓ Describe the activity schedule, and
  - ✓ Describe the goals to be achieved.
- An explanation of how the TP Funds will be spent:
  - ✓ State your independent cost estimate(s) for all expenses related to the proposed activity,
  - ✓ Describe the procurement process undertaken, or planned to be undertaken, to obtain the goods and services,
  - ✓ To the extent already solicited, identify all vendors, such as businesses or consultants, that will provide goods or services for the proposed activities,
  - ✓ Attach an itemized breakdown of the cost of the TPA. For goods and services that have already been solicited (but not yet purchased),

- provide the vendor's quote, and for goods and services that have not yet been solicited, use your independent cost estimate; and
- ✓ Attach all back-up documentation to support your procurements (i.e. independent cost estimates, solicitation documents, advertisements, proposals).

For a more detailed list, please reference the Proposal Checklist on page 25. Additional requirements for out-of-town conferences, trainings, and retreats are explained in the box on page 19 of this Guidebook.

### **TIMING OF PROPOSAL SUBMISSIONS**

During the Pilot period, RCs can opt into one of two groups:

- **Group A** shall submit Proposals quarterly. At least **30 days** before the beginning of each quarter, the RC will complete Proposal forms for every planned TPA in the upcoming quarter and submit electronically via email, along with all required attachments (i.e. bids, price estimates, quotes, insurance documents, etc.), to its RE Coordinator for review and approval.
- **Group B** shall submit Proposals on a rolling basis, at least **30 days** in advance of each scheduled activity. The RC will complete the Proposal form and submit electronically via email, along with all required attachments (i.e. bids, price estimates, quotes, insurance documents, etc.), to its RE Coordinator for review and approval.
- **Exceptions:** For conferences and retreats involving travel, the RC must submit its Proposal to NYCHA at least **six weeks** before the event. For RCs in Group A, this means Proposals for travel must be submitted at least 30 days before the beginning of the quarter, or six weeks before the event, whichever is earlier.

Depending on the timing of the proposal submission, the RC will have already completed some of the steps of the procurement process, laid out in Step 3 below.

For all Proposals, the RC should have already (1) developed a scope of work, (2) conducted an independent cost estimate, and (3) identified the appropriate procurement method.

For Micro Purchases and some Small Purchases, the RC also may have solicited bids and selected a vendor. **However, the RC may not receive any goods or services, enter into a contract, or make any payments until after NYCHA approves the Proposal.**

For RCs in Group A, the quarterly Proposal submission deadline might be too far in advance of a proposed TPA for the RC to solicit bids or select a vendor. In such cases, the RC should use its independent cost estimate as the basis for the cost of the TPA, which will be reconciled with the actual cost after the RC selects a vendor.

#### **APPROVAL BY NYCHA**

If NYCHA approves the Proposal, the RC may move forward with planning the TPA pursuant to this guidelines described in this guidebook. This includes complying with all procurement requirements.

If NYCHA disapproves the Proposal, NYCHA will return the Proposal to the RC within ten (10) business days of receiving the Proposal with an explanation as to why the request failed to meet the established evaluation criteria. The RC may appeal the disapproval using the dispute resolution procedure outlined in Section VI.

## PROPOSAL CHECKLIST

- ✓ Describe in detail the activities to be funded, including the target population, NYCHA Development(s) or Resident Councils who will benefit from such activities, the location, activities' schedule (if applicable), and goals to be achieved;
- ✓ Explain basis for TP Fund eligibility according to the categories identified in eligible activities list;
- ✓ To the greatest extent possible, identify all vendors that will provide goods or services required for the TPA;
- ✓ As applicable, attach all procurement documents, such as the RC's independent cost estimate and solicitation, the solicitation advertisement, vendor proposals, résumés, and any applicable professional certificates (from consultants providing professional services, such as training or other services);
- ✓ Attach an itemized breakdown of the cost of the TPA. For goods and services that have already been solicited (but not yet purchased), provide the vendor's quote, and for goods and services that have not yet been solicited, use your independent cost estimate;
- ✓ Signed Conflict of Interest Certifications for each procurement;
- ✓ Proof of all required insurance;
- ✓ With the exception of Family Day, an Application for Temporary Use of Exterior/Interior Space (088.043) approved by Property Management) for all Proposals for TPAs to take place on NYCHA property;
- ✓ For TPAs for youth:
  - New York State Office of Children and Family Services (OCFS) Statewide Central Register Database Check. A fully complete original form prepared by the vendor must be submitted with the Proposal. The form will be submitted to NYCHA's Regulatory Compliance Unit for review and, if correctly completed, will be forwarded to New York State. Form must be returned as "cleared" before vendor begins work.
  - New York State Fingerprinting Clearance. RE Coordinator will provide a potential consultant with the OCFS Request for New York State Fingerprinting Services Form. The consultant must schedule an appointment with a New York State fingerprinting provider in order to begin the clearance process. TPA funds cannot be used to incur any costs associated with this clearance.
- ✓ For out-of-town conferences, trainings, or retreats, any additional required information or documentation, as explained in the box on page \_\_ of this Guidebook; and
- ✓ Any additional information needed by NYCHA to support and justify the TPA and TP Fund expenditure.

## Step 3: Procuring Goods and Services

Because TP Funds are provided by HUD, which is a federal agency, the RCs must comply with federal rules when they spend TP Funds. The rules are set forth in 2 C.F.R. 200 and HUD's Procurement Handbook for Public Housing Agencies, 7460.8 REV 2, dated 2/2007, which is available here:

<https://www.hud.gov/offices/pih/programs/ph/phecc/resources/prohndbk.pdf>.

This Guidebook outlines the main steps and requirements in the procurement process. As described in more detail below, the procurement process includes eight main steps:

- ✓ Step 3A: Identifying the required goods and services
- ✓ Step 3B: Completing an independent cost estimate for each good and service
- ✓ Step 3C: Identifying the appropriate procurement method
- ✓ Step 3D: Soliciting proposals, which may include advertising the solicitation
- ✓ Step 3E: Evaluating proposals and selecting a vendor
- ✓ Step 3F: Determining vendor responsibility
- ✓ Step 3G: Entering into a contract
- ✓ Step 3H: Verifying insurance

Some of these steps should be done when the RC develops its Proposal, such as identifying required goods and services, completing independent cost estimates, and identifying the appropriate procurement methods, because the RC will need to include those details in its Proposal. In some cases, the RC also will have solicited and evaluated proposals and selected a vendor, but the RC must not enter into a contract, or receive or pay for any goods or services, until after receiving NYCHA's approval of the Proposal.

### **STEP 3A: IDENTIFYING THE REQUIRED GOODS AND SERVICES**

For every Procurement, the RC must develop a written scope of work or services that explains what the RC would like to buy. The scope must contain enough detail so that potential proposers understand what the RC seeks to purchase. At the same time, however, the scope cannot be so specific as to unnecessarily limit competition.

**STEP 3B: COMPLETING AN INDEPENDENT COST ESTIMATE**

An independent cost estimate (“ICE”) is an estimate of the costs of the goods or services to be purchased. It serves as the RC’s yardstick for evaluating the reasonableness of the proposed costs and prices. Among other things, the ICE can be based upon prices the RC or other RCs have paid in the past for the item or service, or prices the RC finds online, in stores, or in catalogs.

The RC must keep the ICE and supporting documentation in its procurement file. The ICE must be completed before the RC solicits proposals for the goods or services.

**STEP 3C: IDENTIFYING THE APPROPRIATE PROCUREMENT METHOD**

After determining the ICE, the next step is to identify the proper procurement method, based upon the amount of the ICE, as follows:

***Micro Purchases (Procurements of \$5,000 or less):*** no written or advertised solicitation is required. It is sufficient for the RC to obtain one written bid from one qualified vendor, **given the Resident Council determines the price is fair and reasonable**. The RC may obtain the bid itself, so long as it does not receive any goods or services, or obligate itself to pay any funds, until after it receives approval from NYCHA of its Proposal for the TPA. To the extent practicable, the RC must distribute Micro Purchases equitably among qualified vendors.

***Small Purchases (Procurements of more than \$5,000 but not in excess of \$150,000):*** must be made by either (1) obtaining three written bids from three vendors, or (2) a solicitation that is publically advertised for at least ten (10) days. The RC may obtain three written bids itself or ask NYCHA for assistance with advertising a solicitation. If the RC decides to publically advertise a solicitation, no minimum number of bids is required.

***Competitive Proposals (Procurements of more than \$150,000):*** must be procured pursuant to a written Request For Proposals (RFP) that must be advertised. No minimum number of written proposals is required. The RC must ask NYCHA for assistance with drafting and advertising the RFP.

### **PROHIBITION AGAINST BID SPLITTING**

As explained above, the RC must select the appropriate procurement method (i.e. Micro Purchase, Small Purchase or Competitive Proposal) based on the dollar value of its ICE. An RC cannot breakdown a purchase into multiple smaller purchases to avoid the requirements that would apply to larger purchases. This is commonly called bid splitting or unbundling. The RC must select the Procurement method based upon the ICE for the full scope of the goods or services required for the TPA.

### **STEP 3D: SOLICITING BIDS**

Once the RC has identified the correct procurement method, it will then solicit bids from qualified vendors. Depending on the procurement method, the RC or NYCHA will prepare a solicitation document that includes the scope of services the RC developed in the first step of the Procurement process.

As explained above, for ***Micro Purchases***, the RC only needs to receive one written bid from one qualified vendor. The RC may obtain the bid from the vendor itself, but it may not receive any goods or services, or obligate itself to make any payments, until after it receives NYCHA's approval of its Proposal. The RC's solicitation document may be more informal than a Small Purchase solicitation or RFP. So long as it clearly outlines the scope and identifies the vendor's insurance requirements, it should be sufficient. The RC must also ask the vendor to complete and submit any forms required by NYCHA.

For ***Small Purchases***, the RC must either obtain three written bids from three vendors, or it may solicit proposals by a public advertisement. Either way, the RC will prepare a short solicitation document that clearly describes the scope of services and also (1) explains any insurance requirements the vendor would need to provide, (2) includes any forms the vendor must submit with its bid,

and (3) sets forth the evaluation criteria RC or NYCHA will use to select a vendor.

For *RFPs*, the RC will request NYCHA to prepare and publically advertise a formal RFP.

### **STEP 3E: EVALUATING PROPOSALS AND SELECTING A VENDOR**

The RC's solicitation must include a clear statement of the evaluation factors the RC and NYCHA will use to select a bid. The evaluation criteria should be tailored to fit each procurement. Typical criteria may include:

- Demonstrated understanding of the requested scope of work;
- Appropriateness of the approach described in the proposal;
- Quality of the work plan;
- Technical capabilities of the vendor (ex: personnel, equipment, materials) and management plan (ex: staffing plan, method of assigning work);
- Demonstrated experience in performing similar work;
- Demonstrated successful past performance, as verified by reference checks; and
- Cost.

For Small Purchase solicitations and RFPs, an evaluation committee will be formed with at least three members, and each committee member will evaluate and score each proposal in light of the evaluation criteria set forth in the solicitation or RFP. The committee will aggregate the scores and select the vendor with the highest-scoring proposal.

The highest-scoring proposal may not always be the least expensive proposal. The RC is not required to select the lowest price. However, the RC must ensure that the cost is reasonable by comparing the cost of the highest-scoring proposal with the RC's independent cost estimate.

The evaluation committee must prepare an evaluation report to document the ranking of proposals. The report should detail the various strengths and weaknesses of each proposal to explain how the scores were derived. This report must be kept in the RC's procurement file.

#### **TAX EXEMPTION**

*Disclaimer: This section should not be considered tax advice. Each RC should consult with a tax professional to determine its tax exempt status and learn how to make tax exempt purchases.*

Because NYCHA is a tax-exempt entity, any approved purchases made by NYCHA or its employees should not include taxes. However, purchases made by RCs may not be tax exempt. For example, if NYCHA advances cash to a Resident Council to make purchases for a Family Day event, the purchase probably will not be tax exempt, unless the RC has its own tax-exempt status because it became a not-for-profit corporation and obtained tax-exempt status.

#### **STEP 3F: DETERMINING VENDOR RESPONSIBILITY**

No contract can be awarded to a vendor until the vendor has been determined to be responsible. NYCHA's standards for responsibility are set forth in NYCHA Standard Procedure 002:94:1 (Resolution of Procurement Protests). Among other things, a responsible vendor must:

1. Have adequate financial resources to perform the contract, or the ability to obtain them;
2. Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the vendor's existing commercial and governmental business commitments;
3. Have a satisfactory performance record;
4. Have a satisfactory record of integrity and business ethics;
5. Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
6. Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,

7. Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended, debarred or under a HUD-imposed LDP.

Upon selecting a vendor, the RC must submit a request to NYCHA for a responsibility determination. NYCHA will work with its Office of the Inspector General to investigate the vendor and make a determination.

If a prospective contractor is found to be non-responsible, NYCHA will provide the vendor and the RC with a written determination of non-responsibility, which the RC must keep in its procurement file. The RC must then either award the contract to the next-highest scoring proposer, or re-solicit for new proposals if awarding to the next proposer is not feasible (for example, if the RC only received one proposal, or the cost of the other proposals were not reasonable).

**STEP 3G: ENTERING INTO A CONTRACT**

An RC should not receive any goods or services, and a vendor will not be paid, until the RC or NYCHA enters into a contract with the vendor. For Micro Purchases made by the RC with the Commercial Card, the RC may enter into contracts itself, upon receiving approval by NYCHA. For all other Procurements, the NYCHA will contract with the vendor directly.

For Procurements made by NYCHA on behalf of the RC, NYCHA will contact the RC to provide the contract information and discuss the scheduling of delivery of goods or performance of services.

**STEP 3H: VERIFYING INSURANCE**

The final step in the procurement process is for NYCHA to verify the vendor's insurance. Within 10 days after award of a contract, the vendor must provide NYCHA with proof of its compliant insurance, naming NYCHA and the RC as additional insureds. Prior to the performance of any services, NYCHA must review and approve the vendor's insurance.

## Step 4: Making Payments

**Please note:** *All Proposal approvals and vendor payments are subject to HUD procurement rules. Before proceeding to Step 4, RCs must comply with all applicable procurement, contracting and insurance requirements outlined above.*

### A. MICRO PURCHASES PAID BY COMMERCIAL CARD

RCs in Group A may pay for Micro Purchases (i.e. purchases of \$5,000 or less) using Commercial Cards issued by NYCHA. **Commercial Cards can only be used for Micro Purchases – all purchases greater than \$5,000 must be paid for following the procedure described in Step 4(C).**

The Commercial Card will have a spending limit based on the RC's Spending Plan and Proposals, as approved by NYCHA. The Commercial Card will be issued to officers designated in the RC's bylaws to make purchases (typically the President and the Treasurer). Those officers will be responsible for making payments with the Commercial Card.

Within seven (7) days after making a purchase with a Commercial Card, the RC must submit a scanned copy of the itemized receipt to its RE Coordinator. NYCHA will track and monitor all transactions made by the Commercial Card.

For Micro Purchases, the RC must ask vendors in advance of receiving the services if the vendor accepts payment by credit card. If a vendor does not accept payment by credit card, the RC may submit a request to NYCHA for payment using the procedure outlined below, and NYCHA will pay the vendor directly.

***For more details on using the Commercial Card, please refer to the Commercial Card Use Procedure Manual.***

### B. CASH ADVANCES FOR FAMILY DAY

NYCHA may provide cash advances under limited circumstances for Family Day. If an RC receives a cash advance, it must provide original receipts and invoices to its RE coordinator within seven (7) days after making the approved purchase.

### C. ALL OTHER PAYMENTS

For all other purchases, NYCHA will pay vendors directly from the TP Funds allocated to the RC. In order for NYCHA to process payment, RCs must submit payment requests as follows:

1. ***RC obtains invoice from vendor.*** After goods have been delivered or services have been performed, the RC must ensure the vendor submits an invoice to the RC, with a copy to NYCHA, in a timely manner.
2. ***RC reviews invoice and certifies.*** The RC must review the invoice and check the services and amounts to confirm the vendor invoiced the RC for services the RC received and the accuracy of the dollar amounts charged. The RC must sign the invoice, certifying that it received the services and the invoice is accurate.
3. ***RC submits payment request to NYCHA.*** Next, the RC must submit a request for payment via e-mail to the RE Coordinator. The RC must attach the invoice (including the RC's signed certification) and proof of the services performed. The RC must also submit its resident participation sign-in sheets for the activity, which must include the names and addresses of all participants.
4. ***NYCHA reviews and submits approved invoices for payment.*** The RE Coordinator will review the request, including the attached invoices with proof of services, and will forward approved invoices to NYCHA's Accounts Payable Division for payment.
5. ***NYCHA issues payment to vendor.*** Once all documents are received and approved by both RE Coordinator and NYCHA's Accounts Payable Department, NYCHA will issue payment to the vendor

### **IMPORTANT INFORMATION FOR VENDORS**

In order to receive payment, all vendors must be registered with NYCHA. Vendors can register online at [www.nyc.gov/html/NYCHA](http://www.nyc.gov/html/NYCHA) by following the links for Doing Business with NYCHA.

NYCHA requires all vendors to receive payment by electronic funds transfer (“EFT”). In order to receive payment, new vendors must complete and submit to NYCHA the AP Supplier Maintenance Request Form with a voided check. The AP Supplier Maintenance Request Form is included in the Appendix to this Guidebook.

After delivering goods or performing services, all vendors must submit invoices to the RC and to NYCHA. Invoices must be sent to NYCHA at the following address:

**New York City Housing Authority  
Accounts Payable Division  
PO Box 3636  
Church Street Station  
New York, NY 10008**

### **Step 5: Reconciling Your Expenses**

No later than six weeks after the end of the quarter, the RC must reconcile its expenses for the quarter and submit its reconciliation and all supporting documentation to its RE Coordinator via e-mail.

The purpose of the reconciliation is to adjust the RC’s projected expenses (the cost estimates included in the Spending Plan) with the RC’s actual expenses.

**Note:** If the RC fails to properly or timely submit a quarterly reconciliation, NYCHA will suspend TP Funds until all expenses are accounted for and all supporting documents are received.

In the event the RC spends more than it budgeted, it must adjust its Spending Plan by reducing the budget elsewhere. In the event the RC spends less than it budgeted, it may adjust its Spending Plan by adding funds to another planned TPA or adding a new TPA.

***NOTE: At the end of each Fiscal Year, any unspent funds will revert to a general Tenant Participation account administered by NYCHA for general Tenant Participation expenses or TPAs at any NYCHA development.***

## C. CONFLICTS OF INTEREST

RCs and providers must disclose any real or potential conflict of interest that may exist between the RC's proposed TPA and the proposed vendor(s). Such a conflict might arise when, for example, the vendor is a family member, partner, or employer of a member of the RC. All proposed or selected vendors must disclose if their entities are owned by or affiliated with an elected official or the elected official's staff and/or family members, and any relationships between RC Board Member(s) and such elected official, staff member or family member so affiliated.

RCs and their vendors must not engage in any scheme or practice that seeks to solicit, pay or receive as payment, or to deliver to anyone, any sum or thing of value (including, without limitation, the performance of any service) that may constitute or be construed as a bribe, kick-back, or other inducement that in any manner.

## D. OTHER REQUIREMENTS

### 1. Section 3

The RC must comply and require its contractors to comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (hereinafter, "Section 3").

### 2. MWSBEs

Minority-owned, woman-owned, and small business enterprises ("MWSBE") shall be given an equal opportunity by the RC to submit proposals to the RC for consideration of contract awards in connection with Funding provided pursuant to the Agreement. The RC shall ensure, to the greatest extent possible, that 20 percent of all firms sought for consideration for award of contracts procured with Funding provided pursuant to this Agreement are MWSBE firms.

### 3. Recovered Materials

In accordance with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, the RC must procure items designated in guidelines of the Environmental Protection Agency (the "EPA") at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition. The RC must procure items designated in the EPA guidelines that contain the highest percentage of recovered materials practicable unless

the RC determines that such items: (i) are not reasonably available in a reasonable period of time; (ii) fail to meet reasonable performance standards, which shall be determined on the basis of the guidelines of the National Institute of Standards and Technology, if applicable to the item; or (iii) are only available at an unreasonable price. This requirement applies to items purchased with TP Funds when: (i) the RC purchases in excess of \$10,000 of the item with TP Funds; or (ii) during the preceding Federal fiscal year, the RC: (A) purchased any amount of the items for use under a contract that was funded with Federal appropriations and was with a Federal agency or a State agency or agency of a political subdivision of a State; and (B) purchased a total of in excess of \$10,000 of the item both under and outside that contract.

#### **4. Prohibition on Tropical Hardwoods**

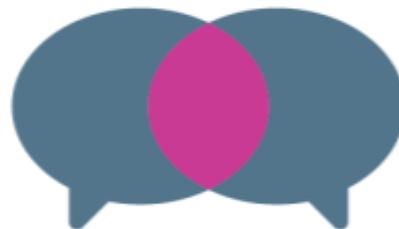
The RC may not obtain or use tropical hardwoods and tropical hardwood products, as defined in Section 165 of the New York State Finance Law, except as expressly permitted by Section 165 of the State Finance Law.

## IV. ADDITIONAL IMPORTANT INFORMATION

### A. ACCESS TO NYCHA SPACE

#### 1. Office and Program Space

If an RC requests space for conducting RC business, NYCHA may provide the RC with access to office space to the extent there is availability. Any such access shall be subject to a separate license agreement between NYCHA and the RC. Among other rules governing access, the RC may not make any physical alterations to the space without NYCHA's prior, written approval.



#### 2. Equipment, Furniture, and Supplies

TP Funds can be used towards the purchase of office supplies, furniture and equipment for the RC office space. Prior to approving a Proposal that involves outfitting a RC office or program space, NYCHA may require its staff to assess the space for security, suitability and, if applicable, compliance with applicable laws and regulations.

If the space is deemed appropriate, items requested to outfit it can be requested through the Proposal process. However, if the space is not adequate to serve as office space, NYCHA will make recommendations to the RC about how to make the space suitable. TP Funds may not be used for capital improvements.

It is the responsibility of RC to secure materials purchased with TP Funds. All materials purchased with TP Funds must be kept in the RC office space and must be used for RC business only. Materials shall not be used for personal use.

Resident Councils are responsible for the installation and maintenance of all furniture and equipment (e.g., televisions, telephone, faxes, computers, printers, copying machines, etc.) purchased with TP Funds, as well as any costs associated with these purchases. If NYCHA assisted the RC with the purchase of the equipment or service, NYCHA will coordinate delivery or installation with the vendor and the RC. NYCHA will not be responsible for any costs or charges (e.g., monthly service charge, pay-per service, maintenance fees, etc.) associated with service or equipment purchased with

TP Funds. All these costs must be included in the RC's Spending Plan and Proposals.

In addition, NYCHA will not install, repair, and/or troubleshoot equipment purchased with TP Funds; therefore, RCs are advised to procure installation, extended warranties, and service plans with equipment, to the extent needed. NYCHA also will not install or move furniture, so the RC is also advised to procure furniture delivery, moving, or installation services, to the extent needed. Although NYCHA will not oversee the delivery or installation of services, furniture, or equipment, the RC must notify its Management Office in advance when vendors are scheduled to be onsite for delivery, installation, or maintenance purposes.

### 3. NYCHA Community Centers

If an RC wishes to hold an event at a NYCHA community center or other community facility, it must coordinate with the entity that operates the community center (the "**Sponsor**") to request access. Scheduling and logistics related to use of community center space shall be coordinated directly between the RC and Sponsor. Although NYCHA does not operate its community centers, the RC can contact its RE Coordinator to facilitate an introduction between with the Sponsor and RC.

## B. RECORD KEEPING

Each Resident Council must maintain records for a period of not less than six (6) years. Records must include at least the following:

- Documentation that the Resident Council (or vendor to which it delegated this responsibility) has actively recruited participants for TP activities by posting flyers development-wide, or using other development-wide promotion methods;
- Records of any selection process for participants in TPAs with a limited number of participants (such as an out-of-town conference);
- Copies of all approved Proposals;
- Copies of all records related to Procurements made by the RC, including independent cost estimates, reasons for choosing selected procurement method, advertisements; bids received; any correspondence between the RC and vendors; and records of the evaluation and selection process;
- Signed acknowledgements for delivery of all equipment, furniture or supplies (a copy of the receipt must also be mailed or faxed to the RE Coordinator);

- Records of all consultant services (classes, training programs, etc.) delivered and a copy of all time sheets and payment requests;
- A written evaluation of the services rendered by each TP consultant, a copy of which should be provided to the RE Coordinator (a Sample Evaluation Form is attached);
- Completed attendance sheets for all TP-Funded meetings, events, classes, etc., copies of which should also be provided to the RE Coordinator (Sample Attendance Sheet attached); and
- All RC records required to be kept by law or the RC's bylaws, such as financial books and records, bylaws, membership lists, meeting minutes, notices, and election records.

## C. INVESTIGATIONS

NYCHA's Office of the Inspector General ("OIG") investigates City employees, those doing or seeking to do business with the City, as well as members of the public who engage in corrupt, fraudulent, or unethical activities involving NYCHA. Any person who suspects corrupt or fraudulent activities or unethical conduct may submit a complaint to the OIG. Such complaints may be made anonymously.

The RC must cooperate in any investigation or any inquiry by any governmental authority or agency, including the OIG. The New York City Department of Investigation and the NYCHA OIG have the right to require any person dealing with NYCHA to answer questions concerning such dealings.

## D. NON-DISCRIMINATION

The RC must not discriminate against any person because of age, alienage or citizenship status, color, creed, disability, gender (including sexual harassment), marital or familial status, military service, national origin, prior arrest record, race, religion, sexual orientation, and status as a victim of domestic violence or for any other unlawful reason.

In the event the RC hires any employees, the RC must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their age, alienage or citizenship status, color, creed, disability, gender (including sexual harassment), marital or familial status, military service, national origin, prior arrest record, race, religion, sexual orientation, and status as a victim of domestic violence or for any other unlawful reason. Such action includes, but is not limited to, (i) employment, (ii) upgrading, (iii) demotion, (iv)

transfer, (v) recruitment or recruitment advertising, (vi) layoff or termination, (vii) rates of pay or other forms of compensation, and (viii) selection for training, including apprenticeship.

The RC must, in all solicitations or advertisements for employees placed by or on behalf of the RC, state that all qualified applicants will receive consideration for employment without regard to age, alienage or citizenship status, color, creed, disability, gender (including sexual harassment), marital or familial status, military service, national origin, prior arrest record, race, religion, sexual orientation, and status as a victim of domestic violence or for any other unlawful reason.

The RC must comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor. The RC must provide all information and reports required by Executive Order 11246, as amended and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto. The RC must permit access to its books, records, and accounts by the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

The RC must include these requirements in every contract procured with TP Funds unless exempted by the rules, regulations, or orders of the Secretary of Labor issued under Executive Order 11246, as amended, so that these terms and conditions will be binding upon all TP-Funded vendor.

## **E. DISPUTES**

### **1. Election Protests**

Within five (5) business days of an election, any person may submit a claim to NYCHA protesting the election for the RC's failure to follow HUD minimum standards, as set forth in 24 C.F.R. § 964.130. Within thirty (30) calendar days of receipt of NYCHA's determination of the protest, the RC may appeal NYCHA's determination by submitting such appeal to a jointly-selected third-party arbitrator. The decision of the arbitrator will be final and binding, and both NYCHA and the RC will abide by it.

### **2. Administrative Determinations, Other Than Election Protests**

Within thirty (30) calendar days after its receipt of a determination made by NYCHA, the RC may dispute the determination (aside from determinations of election protests, which will be resolved by the procedure set forth in subparagraph 1, above) by submitting to NYCHA a written statement

describing the dispute. NYCHA will endeavor to issue a written response within thirty (30) calendar days of receipt of the RC's dispute. NYCHA and the RC will negotiate in good faith to reach a settlement of any such dispute. In the event NYCHA and the RC are unable to resolve the dispute within thirty (30) calendar days, the RC may appeal to the HUD Field Office by submitting a copy of NYCHA's determination(s) and the RC's dispute to the HUD Field Office, with a copy to NYCHA. Within thirty (30) calendar days of receipt of the HUD Field Office's decision, either NYCHA or the RC may appeal a decision of the HUD Field Office to HUD's Secretary. The decision of the Secretary will be final and binding, and both NYCHA and the RC must abide by it.

### **3. All Other Disputes**

All other unresolved questions, including questions regarding federal law, TP Funds, or HUD regulations, will be referred by the NYCHA and the RC to the HUD Field Office for review. Within thirty (30) calendar days of receipt of the HUD Field Office's decision, either NYCHA or the RC may appeal a decision of the HUD Field Office to HUD's Secretary. The decision of the Secretary will be final and binding, and both NYCHA and the RC will abide by it.

## **F. CONFIDENTIALITY**

The RC must maintain the confidentiality of residents' personal information, including but not limited to names, addresses, telephone numbers, and e-mail addresses.

## **G. ADDENDA**

- 1. Tenant Participation Activity Proposal Form**
- 2. Conflict of Interest**
- 3. 24 CFR PART 964 Tenant Participation Regulations**
- 4. HUD Notice PIH 2013-21 (HA)**
- 5. Sample Evaluation Form**
- 6. Sample Attendance Sheet**
- 7. W-9 Form Request for Taxpayer Identification Number and Certificate**

